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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,433	01/06/2004	Pat Tsao	U 014968-4	3780

7590 08/01/2006

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EXAMINER

AGBOTTAH, AWUDZI Z

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/752,433

Applicant(s)

TSAO, PAT

Examiner

Awudzi Z. Agbottah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydgren et al. (**United States Patent Application Publication No. US 2006/0046790 A1**) in view of Wun (**United States Patent No. 5778079**).

3 Consider claims 1 and 4, Rydgren et al. discloses a headset system for direct wireless communication (wireless transceiver apparatus) (**Abstract, Paragraph 11, Lines 1-4**). Rydgren et al. discloses a headset (transceiver unit, radio transmitting unit) that includes a transceiver unit that includes an audio converter which is capable of

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converting between audio data and speech (first signal) (**Paragraph 38, Lines 1-2; Paragraph 37, Lines 12-15**). He also discloses a communication terminal (communication unit) in which he states can be a mobile phone (**Paragraph 34, Lines 1-2; Lines 11-13**), which inherently can transmit a second signal.

In his disclosure he also discloses a cordless headset that consists of an antenna (radio-receiving unit) that receives and transmits signals (**Paragraph 37, Lines 4-6**).

Let it be noted that on **page 6, lines 29-30 of the specification**, the applicant contemplates that the switch and communication unit can be combined. Therefore for the purpose of examining this application, the examiner treats the switch and communication unit as being one device. Rydgren et al. discloses a communication terminal (switch) that is part of a system for communication with a headset that consists of the above mentioned antenna. Therefore the communication terminal (switch) and headset antenna (radio-receiving unit) are wirelessly connected (**Paragraph 11, Lines 1-3**).

Rydgren et al. discloses the functioning of his headset system in relation to the first and second states disclosed in claim 1. Rydgren et al.'s communication terminal (switch and communication unit) communicates audio data with a headset (transceiver unit) (**Paragraph 21, Lines 1-3**). This reads to the applicant's claim of "wherein when the wireless transceiver apparatus is in a first state, the switch unit receives the first signal from the transceiver unit and passes the received signal to the communication unit;". Rydgren et al. also describes the second state in which audio data from the communication terminal (switch and communication unit) to the headset antenna (radio-

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receiving unit) (**Paragraph 37, Lines 10-15**). This reads to the applicant's claim of "...when the wireless transceiver apparatus is in a second state, the switch unit receives the second signal from the communication unit and passes the received signal to the transceiver unit, and finally to the radio-receiving unit."

Rydgren et al. discloses the claimed invention but fails to disclose a skin-touch microphone included with the transceiver unit. However, Wun discloses a skin touch-controlled piezoelectric microphone in his US Patent (**Summary Of The Invention**). In light of Rydgren et al., it would be obvious to one of ordinary skill in the art to combine the teachings of Rydgren et al. and Wun because using a skin touch-controlled piezoelectric microphone in the invention eliminates background noise and echo when used.

4. Consider claims 2 and 5, as applied to claims 1 and 4 above, Rydgren et al. discloses a wireless headset (wireless earpiece) (**Paragraph 34; Figure 6.**) which reads to the applicant's claim of "The wireless transceiver apparatus as claimed in claim 1, wherein the radio-receiving unit is a wireless earpiece."

5. Consider claims 3 and 6, as applied to claims 1 and 4 above, Rydgren et al. et al. discloses a communication terminal (communication unit) as a mobile phone (cellular phone) (**Paragraph 34, Lines 11-13; Paragraph 11, Lines 10-12**).

Conclusion

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Awudzi Z. Agbottah whose telephone number is (571) 270-1114. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Awudzi Agbottah

A.Z.A./aza

July 18 ,2006

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

Edan Orgad 7/19/06